



**The Comptroller General  
of the United States**

Washington, D.C. 20548

*Becklund - PL*

## **Decision**

**Matter of:** Brechbuehl Timber  
**File:** B-229575  
**Date:** November 25, 1987

---

### **DIGEST**

Protest based upon alleged solicitation impropriety which was apparent prior to bid opening is untimely when filed after bid opening.

---

### **DECISION**

Brechbuehl Timber protests the award of contract No. 052496 by the Mariposa Ranger District, Sierra National Forest, U.S. Forest Service, for the sale of timber.

We dismiss the protest.

Brechbuehl submitted a bid for the purchase of timber on the bid opening date, Monday, October 19, 1987. On the Saturday before bid opening, October 17, Brechbuehl attempted to inspect a sample contract and appraisal which the bid prospectus stated would be available. Because it was Saturday, the ranger district office was not fully staffed and there was no one who could show Brechbuehl the documents. Brechbuehl asserts that had it been provided with the requested information, its bid for the timber would have been substantially higher.

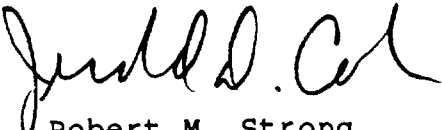
Our Bid Protest Regulations provide that a protest based on an alleged impropriety in the solicitation which was apparent prior to bid opening must be filed before that time. 4 C.F.R. § 21.2(a)(1) (1987). Consequently, Brechbuehl was required to protest that it had not been afforded the promised review of the sample contract and appraisal either with the contracting agency or this Office before the October 19, 1 p.m. bid opening time. Rather than doing so, it proceeded to submit a bid, and did not file the protest until November 9, well after the results of the bidding were announced.

Moreover, even if it could be argued that, given the short time frame from Brechbuehl's visit to the ranger district office until bid opening, Brechbuehl should not be required

040706

to have filed the protest before 1 p.m. on the bid opening date, the protest nevertheless would be untimely. Our Bid Protest Regulations state that any protest not involving apparent solicitation improprieties must be filed not later than 10 working days after the basis of protest is known. 4 C.F.R. § 21.2(a)(2). As mentioned above, the protester knew of the basis of protest on October 17, but did not file the protest until November 9, more than 10 working days later.

The protest is dismissed.

  
for Robert M. Strong  
Deputy Associate  
General Counsel